



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,749	10/16/1999	TAD A. DEFFLER	063170.6308	1735
5073	7590	05/18/2007	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com
ptomail1@bakerbotts.com

Office Action Summary	Application No.	Applicant(s)
	09/419,749	DEFFLER ET AL.
	Examiner Ella Colbert	Art Unit 3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6 and 9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4, 6, and 9 are pending. Claim 1 has been amended in this communication filed 02/28/07 entered as Response After Non-Final Rejection.
2. The 35 USC 112, second paragraph still remains for claims 1, 3, and 9 as set forth her below. The insufficient antecedent basis has been overcome in claim 1 by Applicants' amendment to claim 1 and is hereby withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1, 3, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite "retrieving from a registry of keywords ...". Nothing further is being done with the "registry of keywords". The next claim limitation should recite "executing from the retrieved registry of keywords, each retrieved executable code ...".

In claims 1, 3, and 9 it is vague and unclear what Applicants' mean by a "predetermined syntax of a macro language". Applicants' are respectfully requested to clarify this claim limitation in the claims and to the Examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3694

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over M. Douglas McIlroy, "Macro Instruction Extensions of Compiler language", hereafter McIlroy in view of Official Notice.

With respect to claim 1, McIlroy discloses, determining based on a predetermined syntax of a macro language expression, each keyword being associated with an extended macro command (col. 2, page 217 –col. 1, paragraph 1, page 218 and paragraph labeled no. 5-col. 2, paragraph labeled no. 7); executing each retrieved executable code to run the extended macro command associated with each of the one or more keywords in the macro language expression without recompiling the macro language (page 215, col. 1-col. 2, paragraph 1.4. –The expression is not recompiled).

McIlroy failed to disclose, retrieving, from a registry of keywords and associated executable codes, and executable code associated with each keyword in the macro language expression. However, this step is well known in the art and performed at runtime and it is not a recompilation but it is a copy as many times as it (the macro) is called. There are three different types of macros, such as preprocessor, compiler, and runtime. A preprocessor macro is defined as for example, the C preprocessor is a macro processor that is used automatically by the C compiler to transform the program before actual compilation; compiler macros are defined as controlling the state of the macro with compiler command options; and a runtime macro is defined as tells the runtime intercept how to identify the construct to converted differently and how to render or convert it to the alternative result which usually results in runtime macros that are executed by conversion code at runtime. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a registry of

Art Unit: 3694

keywords and an associated executable code to retrieve and to execute because it is well known in the art that the C language itself has a registry of 33 keywords with the keywords being used in the source code and compiling of the macro language.

With respect to claim 2, McILroy failed to disclose, extending the registry of keywords and associated executable codes by inserting a new keyword representing a new extended macro command and a new executable code associated with the new keyword. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McILroy with the teachings that are well known in the art of C programming because this would allow McILroy to have a selection of keywords to choose from and to execute with the code. A registry of keywords is well known in the art that the C language itself has a registry of 33 keywords with the keywords being used in the source code and compiling of the macro language, *supra*.

With respect to claim 9, this independent claim is rejected on grounds corresponding to the reason given for rejected independent claim 1. Applicants' claim 9 has a computer-readable medium encoded with logic operable, when executed on a computer processor, to perform the steps of determining, based on a predetermined syntax of the macro language with steps corresponding to the method of claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3694

8. Claims 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over M. Douglas McILroy, "Macro Instruction Extensions of Compiler language", hereafter McILroy and Official Notice and further in view of (US 4,931,928) Greenfeld and (US 5,737,592) Nguyen et al, hereafter Nguyen in view of (US 5,295,059) Brooks et al, hereafter Brooks.

With respect to claims 3, McILroy failed to disclose, a parser operable to determine, based on a predetermined syntax of a macro language, one or more keywords embedded within a macro language expression, each keyword being associated with an extended macro command. Greenfeld discloses, a parser operable to determine, based on a predetermined syntax of a macro language, one or more keywords embedded within a macro language expression, each keyword being associated with an extended macro command (col. 8, line 1-col. 9, line 34, fig. 3 and fig. 4). McILroy and Greenfield failed to disclose, a registry of keywords and associated executable codes, including one or more keywords and one or more executable codes, each keyword being associated with a respective one of the executable codes and a macro handler operable to receive the one or more keywords from a parser, retrieve, from the registry of keywords and associated executable codes, the executable code associated with each keyword embedded within the macro language expression, and execute the retrieved executable codes to run the extended macro command associated with each of the one or more keywords without recompiling the macro language. Nguyen discloses, a registry of keywords and associated executable codes, including one or more keywords and one or more executable codes, each keyword

being associated with a respective one of the executable codes (col. 6, lines 7-14).

McLroy, Greenfeld and Nguyen failed to disclose, a macro handler operable to receive the one or more keywords from a parser, retrieve, form the registry of keywords and associated executable codes, the executable code associated with each keyword embedded within the macro language expression, and execute the retrieved executable codes to run the extended macro command associated with each of the one or more keywords without recompiling the macro language. Brooks discloses, a macro handler operable to receive the one or more keywords from a parser, retrieve, form the registry of keywords and associated executable codes, the executable code associated with each keyword embedded within the macro language expression, and execute the retrieved executable codes to run the extended macro command associated with each of the one or more keywords without recompiling the macro language (col. 8, lines 3-68 and col. 9, lines 1-60). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify in McLroy, Greenfield, and Nguyen the teachings of Brooks because such a modification is well known in the art and would enhance McLroy's, Greenfeld's, and Nguyen's extended keywords with the parser receiving the keyword first, then parsing the expression and the macro handler in response saving the previous contents of the processor registers (keywords) during execution of the main program with the user selecting the functions and submitting the macro command to run the code associated with the keywords with a prefix symbol.

With respect to claim 4, McLroy and Greenfeld failed to disclose, a keyword registry of keywords and associated executable codes is operable to be extended to

Art Unit: 3694

include one or more new executable codes, each new keyword being associated with a respective one of the new executable codes. Nguyen discloses, a keyword registry of keywords and associated executable codes is operable to be extended to include one or more new executable codes, each new keyword being associated with a respective one of the new executable codes (col. 6, lines 7-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in McILroy the teachings of Nguyen because such a modification would allow McILroy to have 33 keywords that can be used in the source code and for compiling the macro language.

With respect to claim 6, McILroy discloses, wherein the executable code includes machine operable instructions (Ppage 215, col. 1, paragraph 1.1 and col. 2, page 216 – col. 1, page 217).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Alexander Sakharov disclosed Macro processing in high-level programming languages and macro definitions in the language that refers to respective programming languages.

Liisa Raih disclosed extension programming.

M.G. Notley disclosed extensible language systems.

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

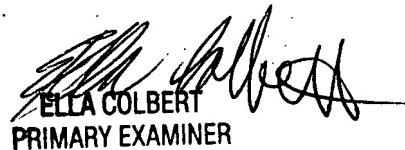
Art Unit: 3694

The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 11, 2007



ELLA COLBERT
PRIMARY EXAMINER